



Appeal Decision

Site visit made on 12 February 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 8th April 2024

Appeal Ref: APP/L3815/W/23/3329831

Land at Lavant Pumping station, Down Road, Chichester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Portsmouth Water against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/22/03021/FUL.
 - The development proposed is installation of solar panels.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the Council and the appellant identified that the proposed development would be in proximity to 'The Trundle', a scheduled ancient monument (SAM). Neither party explicitly considered the effect of the proposal on the setting of the SAM. Given paragraph 206 of the National Planning Policy Framework (the Framework) identifies that SAMs are assets of the highest significance, I sought views from both parties on whether the proposal would affect the setting of the SAM. The Council has indicated that the proposal would have a harmful effect on the SAM, whereas the appellant has indicated that the proposal would not. As it is a matter of dispute between the parties, I will consider this further as part of the main issues of the appeal below.
3. The planning application was for full permission for the installation of solar panels. There was no indication on the application form that the appellant was seeking temporary permission. Nonetheless, the appellant has indicated throughout their evidence that they would decommission the panels and return the site to its current state after 25 years. The temporary installation of solar panels and reinstatement of the site could be secured by condition. As such, I have assessed the proposal as a temporary development that would be removed after 25 years.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, with particular regard to the South Downs National Park (SDNP); and
 - the significance of the Trundle, a SAM.

Reasons

Character and appearance

5. The proposed solar panels would be sited in a field between Lavant Pumping Station and residential development in Mid Lavant. The field is largely free from development and provides an important break between the pumping station and houses. Whilst influenced by the nearby development, the site forms part of the wider tranquil setting of the river Lavant. It accommodates hedgerows around the site's boundary, which partially screen views to and from the centre of the field. The site is also in proximity to two public rights of way (PROWs), West Sussex Literary Trail and New Lipchis Way. Both of which are sited uphill of the appeal site. Also, the appeal site is in Lavant Valley with rolling chalk downland surrounding the site. Therefore, there are views over and through the hedgerows, across the site. These factors combine to create an open and verdant character.
6. The appeal site is located within the SDNP. I have a statutory duty to seek to further the purposes of the National Park, which are conserving and enhancing the natural beauty, wildlife and cultural heritage of it; and promoting opportunities for the understanding and enjoyment of its special qualities.
7. Although the proposed solar panels would be sited in a small section of the field, close to the buildings that they would serve, they would be on the other side of an established boundary. The siting of additional built development, on the other side of the hedgerow would visually reduce the gap between the pumping station and Mid Lavant. The increase in built development and activity within the field alongside the visual reduction in this gap would harm the openness of the area and the tranquil setting of the river.
8. The improved management of the hedgerows and additional complimentary planting would further screen the proposed development; particularly once the new planting has matured. Nonetheless, given the height and scale of the proposed solar panels, they would be prominent in views from both PROWs. Moreover, due to their industrial and utilitarian appearance they would appear incongruous within the verdant area.
9. The South Downs National Park Landscape Character Assessment, 2020, identifies that one of the key characteristics of the area is "... small permanent pastures divided by hedgerows, wet woodland, water meadows and open water ...". This is representative of the appeal site which represents a small pasture divided from neighbouring land by hedgerows with open water nearby. The proposed landscaping scheme includes new trees and woodland planting of native species in the southern section of the site. Although there are small pockets of woodland in the area, these are further away and tend to be in hill side locations. The proposed woodland planting would further harm the openness of the site and would appear at odds with the prevailing character.
10. As you travel further away from the appeal site, the proposed development would be less prominent. When viewed from the Trundle the appeal proposal would represent a minor change to the existing landscape. Regardless, the proposal would have a harmful effect on the character and appearance of the area, for the reasons given above. As such, it would fail to conserve the natural beauty of the SDNP.

11. The proposed installation would be temporary, but the appellant indicates it would be in situ for 25 years. Once the proposed development is removed, vegetation would need to mature before the site is restored to its existing state. Therefore, the effect of the proposal on the site would be experienced for more than 25 years. Given the significant period before the site is restored to its existing state, the temporary nature of the proposal does not overcome the identified harm.
12. The solar panels would be orientated to face southwards so they would be less visible in views from highly trafficked areas to the north, including from the Trundle, and have been designed to minimise glare. Nevertheless, these factors do not mitigate the harm I have identified.
13. I conclude that the proposal would have a harmful effect on the character and appearance of the SDNP. It would be contrary to Policies SD1, SD2, SD4, SD5, SD6, SD7 and SD17 of the South Downs Local Plan (2014-2033), July 2019 (LP). These policies indicate that planning permission will be refused where a proposal fails to conserve the landscape and the character and appearance of watercourse corridors, and that proposals will be permitted where they adopt a landscape-led approach and preserve the visual integrity of the SDNP, amongst other things. Furthermore, it would be contrary to paragraphs 180 and 182 of the Framework, which advise that planning decisions should protect valued landscapes and great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

Scheduled ancient monument

14. The significance of 'The Trundle hillfort, causewayed enclosure and associated remains at St Roche's Hill'¹ includes its historic use dating back to being a neolithic causewayed enclosure, an iron age hilltop fort, and a defensive structure during World War II. The panoramic views offered from atop the Trundle and its prominence in views from the south/south-west also contribute to its significance.
15. The proposal would not directly affect the SAM. In some views from atop the Trundle the proposal would lead to an increase in visible built development. Nonetheless, the appeal site is a significant distance away and the proposal would represent a very modest change to the panoramic views that include a significant amount of built development. However, in some views from the New Lipchis Way, toward the SAM, the proposal would be prominent. These views are largely free from development and the proposal, through the introduction of tall built development, would compete with the visual prominence of the SAM and, therefore, harm its setting and, consequently, its significance.
16. Given the scale of the development and the limited extent of the views affected by the proposal, I ascribe less than substantial weight to the harm caused to the significance of the SAM. Paragraph 205 of the Framework indicates that irrespective of the level of harm to the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 208 of the Framework indicates that when a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

¹ List entry number: 1018034

17. The proposed solar panels would power Lavant Pumping Station, this would reduce carbon emissions in line with the Framework and local development plan aspirations and the Climate Change Strategy and Action Plan adopted by the National Park Authority in March 2020. It would also, to a very limited extent, assist the Secretary of State with ensuring that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline as set out in the Climate Change Act 2008. There would also be economic associated benefits with the installation and ongoing operation of the solar panels. Nevertheless, I ascribe moderate weight to the public benefits, as the solar panels would only serve Lavant Pumping Station and not the wider area. Accordingly, the public benefits do not outweigh the harm.
18. Overall, I conclude that the proposal would have a harmful effect on the significance of the Trundle. The proposal would be contrary to LP Policy SD51 which indicates that small-scale renewable energy proposals should not have an unacceptable adverse impact on local amenity.

Other Matters

19. The appeal site is in proximity to Singleton and Cocking Special Area of Conservation. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.
20. Within the evidence the appellant has made specific reference to the Framework and development plan policies, in relation to matters that are not in dispute. I acknowledge that the appeal proposal complies with some sections of the Framework and various local policies including those relating to dark night skies and protection of vegetation. Regardless, this does not alter my assessment on the main issues of this appeal.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR